

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF THE FILING BY LEVEL 3 )</b>	<b>ORDER GRANTING</b>
<b>COMMUNICATIONS, LLC FOR APPROVAL OF )</b>	<b>PETITION FOR WAIVER</b>
<b>ITS INTRASTATE SWITCHED ACCESS TARIFF )</b>	
<b>AND FOR AN EXEMPTION FROM )</b>	<b>TC03-175</b>
<b>DEVELOPING COMPANY SPECIFIC COST- )</b>	
<b>BASED SWITCHED ACCESS RATES )</b>	

On September 5, 2003, the Public Utilities Commission (Commission) received a petition from Level 3 Communications, LLC (Level 3) for approval of its intrastate switched access tariff. Additionally, Level 3 requested an exemption from the requirement to develop intrastate switched access rates based on company specific costs and a waiver of the use of the formula in ARSD 20:10:27:12, so as to mirror the Qwest Corporation tariffed access rates. Level 3 also requested a waiver of ARSD 20:10:27:07.

On November 4, 2003, the Commission considered Level 3's request for approval of its intrastate switched access tariff, an exemption from establishing switched access rates based on company specific costs, and a waiver of the use of the formula in ARSD 20:10:27:12, so as to mirror the Qwest Corporation tariffed access rates. The Commission has jurisdiction over this matter pursuant to SDCL 49-31-18, 49-31-19, ARSD 20:10:27:11 and ARSD 20:10:27:12. The Commission voted to grant the petition for exemption from developing company specific cost-based switched access rates pursuant to ARSD 20:10:27:11, grant a waiver of the use of the formula in ARSD 20:10:27:12, so as to mirror the Qwest Corporation tariffed access rates, grant a waiver of ARSD 20:10:27:07, and approve Level 3's intrastate switched access tariff. The Commission further ordered that Level 3, within three years of the date of this Order, file a petition to continue the exemption granted in this proceeding or file cost-based rates. The Commission voted to grant the petition for exemption as conditioned herein and approve the tariff. It is therefore

ORDERED, that Level 3's petition to be exempt from establishing company specific cost-based switched access rates is granted, its request for a waiver of the use of the formula in ARSD 20:10:27:12, so as to mirror the Qwest Corporation tariffed access rates is granted, its intrastate switched access tariff is approved, and its request for a waiver of ARSD 20:10:27:07 is granted; and it is further

ORDERED, that Level 3 shall, within three years of the date of this order, file a petition to continue the exemption granted in this proceeding or file cost-based intrastate switched access rates.

Dated at Pierre, South Dakota, this 13th day of November, 2003.

<b>CERTIFICATE OF SERVICE</b>
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: _____
Date: _____
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

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ROBERT K. SAHR, Chairman

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GARY HANSON, Commissioner

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JAMES A. BURG, Commissioner